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**EYES ONLY**

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Following is text of proposed instructions for next meeting with Grogoko which we are giving to British and Germans for comment:

BEGIN TEXT

1. We are, of course, disappointed that your last round with Gromyko 19

led to nothing more than restatement both orally and in writing of standard Soviet position on Berlin. We also note that you are inclined to consider that Soviets wish to break off Moscow talks so that they may proceed with signature of peace treaty. Whether this view correct or whether hard Soviet position can be explained at least partly in terms of negotiating tactics, we can all agree that West has no overriding interest in accelerating pace of talks or in pushing them towards break-down. Although present indeterminate position creates difficulties in terms of required US decisions on military build-up, these are not governing at present stage. On other hand time seems to have come to put certain questions which may cause movement in one direction or another.

... might begin by stating that Soviet Foreign Minister, in last  
... position. Logical  
... response

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| 1. <u>DECLASSIFY</u><br>2. <u>DECLASSIFY IN PART</u><br>3. <u>DELETE</u><br>4. <u>Non-responsive info.</u> | 5. <u>FOI, EO or PA exemptions</u><br>6. <u>TS authority</u><br>7. <u>CLASSIFY as</u><br>8. <u>DOWNGRADE TS to ( ) S or ( ) C, OADR</u> |
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response would be to put forward extreme Western position. Counterpart to Soviet stress on Western participation in peace treaty with ~~all~~ would be Western Peace Plan. Counterpart to Soviet emphasis on free city proposal would be Western stress on all-Berlin solution.

3. In presenting para 4 of previous instructions contained DEPTTEL 1615, you have already laid ground work for elimination of further discussion of Western role in peace treaty. You should reiterate this point, adding that we are refraining from putting forward extreme Western position in all-German field because we continue to assume that Soviets recognize that no meeting of minds is possible on peace treaty and that they are prepared to take this into account. As to free city proposal contained in Soviet memorandum, you should say that you will be giving Soviet Foreign Minister paper setting forth Western views on subject of appropriate arrangement for Berlin. (Decision still to be made whether this will be memorandum with all-Berlin proposal attached or simply all-Berlin proposal.) It is obvious, however, that between points of view set forth in US and Soviet documents no apparent basis exists for agreement. We assume that Soviets proceed from principle that great power cannot be expected/<sup>simply</sup> to accept extreme position of other side. If Soviets are not prepared, as seems to be case, to discuss seriously an all-Berlin arrangement they cannot seriously believe that US should be expected to accept Soviet proposal for free city which, despite verbal assurances, would represent substantial repudiation of position which Western powers have consistently maintained during numerous exchanges and discussions with Soviets since November 1958. Proposal would deprive West Berliners of essential protection they now enjoy, provide for constant

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constant interference in their internal affairs by West Powers and make their contacts with outer world subject to whims of East Germany.

4. Question therefore arises whether any useful basis for further discussion can be found. US is prepared to continue explore this possibility. Our belief is that appropriate place to begin, since this obviously critical point at issue, would be means of assuring free access to and from West Berlin. In this connection, Western Powers put forward suggestion for International Access Authority. Soviet Foreign Minister has said this unacceptable as inconsistent with QUOTE sovereignty of GDR UNQUOTE. Perhaps there is element of misunderstanding here. Soviets seem to be overlooking some basic facts:

a. West Berlin and our access thereto were not subject to any Soviet occupation rights.

b. There is no way by which Soviet Union can confer on GDR rights which it does not have.

c. Any attempt to confer QUOTE sovereignty UNQUOTE must therefore be limited by fact of Western position in Berlin.

d. We are prepared to discuss how Western rights can be exercised so as not to interfere with GDR authorities but not how these rights are to be handed over to those authorities. (In pursuing this line of argument you may as you see fit draw on paras 6 and 10 of DEPTTEL 1615, as well as US note of July 19, 1961.)

5. Moreover, International Access Authority would not run counter to procedure which Soviet Foreign Minister in first talk described as consistent with

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QUOTE sovereignty UNQUOTE, paper. That agreement, however, would require  
should subsequently be accepted by UNQUOTE as appropriate to UNQUOTE and UNQUOTE.  
Access Authority would provide solution to problem which would be consistent with  
interests of all parties concerned and remove standing source of dispute between  
them. It need be no more inconsistent with QUOTE sovereignty UNQUOTE than any  
such international transit arrangements/as those established under Montreux Convention  
or overflight provisions International Air Service Agreement are with QUOTE  
sovereignty UNQUOTE of areas concerned. You might at this point hand Gromyko paper  
summarizing concept of International Access Authority noting that if Soviets wish to  
pursue matter further we would be glad to provide draft of possible agreement.

6. In likely event that Gromyko shows no interest in International Access Authority or continues to argue that entire concept is unacceptable as inconsistent with GDR sovereignty, you might point out that, just as Soviets say they cannot accept idea of International Access Authority, or apparently of all-Berlin solution, we find it impossible to accept Soviet proposal for free city as contained in draft statute. Where does this leave us? Purpose of present exploratory talks is to establish whether basis for more formal negotiations exists. Such basis clearly does not exist in terms of talks so far.

7. After pointing out that we would want to explore further whether there is, <sup>you</sup> therefore, any intermediate point which might provide a basis for negotiations, ~~we~~ might try to pin down Gromyko on whether Soviets insist on discussion of their free city proposal as prerequisite for further discussion of access question. In attempting this, ~~our~~ stress should be on point that one great power simply cannot expect other great

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great power to negotiate in face of demands which are not acceptable. We have left certain documents with Soviets presenting our views. If these are not acceptable to Soviets, we are willing to discuss possible modifications or general subject of West Berlin arrangement further.

8. If Soviets have problems with respect to West Berlin they can raise them. They have said they cannot be expected to confirm Western occupation rights. We are not asking for confirmation of occupation rights because these require no such confirmation, but acceptance, as one of facts of situation, of presence of Western forces in Berlin, and we are prepared to work out new arrangements to deal with problems involved. If we can assume, as seems to be case, that both sides have over-riding interest in avoiding collision course on Berlin, then it is only reasonable to expect that both sides will be willing to concentrate on those areas where at least some working arrangement might be possible.

9. You might then go on to point out that, lest there be any misunderstanding as to how we see present situation in West Berlin, status of Western sectors is as set forth in para 12 of DEPTTEL 1615.

10. You might conclude by expressing hope that Soviets will reflect upon situation which their position is creating. You will report to your government and after receiving further instructions, will ask for further meeting during which you hope Soviet position will reflect more appropriately importance of arguments which you have presented.

11. To degree desirable in meeting specific points made by Gromyko or in spelling out US views, you may draw on previous instructions. Since Soviets show no hesitation

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hesitation in repeating stale arguments over and over again, you should feel no inhibitions in this regard. Purpose of exchange would not, however, be to lead to break in discussions but, hopefully, to encourage Soviet reflection upon impasse reached and necessity for some give on their part if any progress to be made.

**END TEST**

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(Rusk)

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